

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. CR-14-318-C
)	
DOUGLAS G. WILLIAMS,)	
)	
Defendant.)	

ORDER

Defendant is currently serving a period of supervised release following his conviction for violating 18 U.S.C. § 1341 and 18 U.S.C. § 1512(b). Relevant to the present issue is a portion of Defendant's supervised release conditions which requires the Defendant to refrain from participation "in any form of polygraph-related activity during the period of supervision." (Dkt. No. 48 at 4.) Defendant has recently been subpoenaed by the prosecution to testify in a criminal proceeding in the state of New Mexico. The testimony sought from Defendant would violate the condition of supervised release noted above. Plaintiff objects to any modification, arguing the term was imposed for valid reasons.

After considering the issue, the Court finds a limited modification of the condition of supervised release is warranted. Given the nature of the issue here, the Court finds that many of the concerns which gave rise to the condition are not present. Indeed, in this instance, retention of the condition could be seen as harmful to the public, rather than protective. 18 U.S.C. § 3583(e)(2) states in relevant part: "[t]he court may, after

considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)-- . . . modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release” The Tenth Circuit recognized the power to modify conditions of supervised release granted by this statute in United States v. Begay, 631 F.3d 1168, 1172 (10th Cir. 2011), noting no change in circumstances were necessary before a court had the power to modify. After considering the relevant § 3553 factors, the Court finds the conditions of supervised release shall be modified only to the extent that Defendant shall be permitted to comply with the subpoena and testify in the New Mexico proceeding. In all other respects, and for all other purposes, the conditions imposed at sentencing shall remain in force.

IT IS SO ORDERED this 15th day of February, 2019.


ROBIN J. CAUTHRON
United States District Judge